

In Re: Leonard C. Osborne)
Ward 96, Block 522, Parcel A32C) Shelby County
Residential Property)
Tax year 2005)

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\$325,000 on January 1, 2005. In this regard, he alluded to a number of recent listings in Countrywood which had not produced the desired results.

Tenn. Code Ann. section 67-5-601(a) provides (in relevant part) that “[t]he value of all property shall be ascertained from the evidence of its sound, intrinsic and immediate value, for purposes of sale between a willing seller and a willing buyer without consideration of speculative values....”

Since the taxpayer seeks to change the present valuation of the subject property, he has the burden of proof in this administrative proceeding. State Board Rule 0600-1-.11(1).

Historically, in adhering to a *market value* standard of review, the State Board has declined to grant relief on the basis of the amount or percentage of increase in the appraisal of the property in question. See, e.g., E. B. Kissell, Jr. (Shelby County, Tax Years 1991 & 1992, Final Decision and Order, June 29, 1993). This agency has also generally rejected complaints to the extent that they are predicated on the alleged inequity of an assessment in comparison that of other property in the vicinity.

Likewise, the administrative judge knows of no authority for the proposition that the State Board must “equalize” the amount or percentage of any adjustments to the reappraised values of properties within a particular neighborhood. The State Board is a quasi-judicial body which is bound by the Uniform Administrative Procedures Act to consider only the evidence of record in each contested case presented. Tenn. Code Ann. section 4-5-314. Thus, depending on the quantity and quality of the proof on both sides, even similarly situated property owners may achieve significantly different outcomes in the appeals process.

In this proceeding, the most probative evidence of the value of the subject property on the relevant assessment date appears to be the aforementioned sale of 8425 Countrywood.

Order

It is, therefore, ORDERED that the following values be adopted for tax year 2005:

LAND VALUE	IMPROVEMENT VALUE	TOTAL VALUE	ASSESSMENT
\$66,000	\$307,000	\$373,000	\$93,250

Pursuant to the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-301—325, Tenn. Code Ann. § 67-5-1501, and the Rules of Contested Case Procedure of the State Board of Equalization, the parties are advised of the following remedies:

1. A party may appeal this decision and order to the Assessment Appeals Commission pursuant to Tenn. Code Ann. § 67-5-1501 and Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization. Tennessee Code Annotated § 67-5-1501(c) provides that an appeal “**must be filed within thirty (30) days from the date the initial decision is sent.**” Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization provides that the appeal be filed with the Executive Secretary of the State Board and that the

appeal **"identify the allegedly erroneous finding(s) of fact and/or conclusion(s) of law in the initial order"**; or

2. A party may petition for reconsideration of this decision and order pursuant to Tenn. Code Ann. § 4-5-317 within fifteen (15) days of the entry of the order. The petition for reconsideration must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking administrative or judicial review.

This order does not become final until an official certificate is issued by the Assessment Appeals Commission. Official certificates are normally issued seventy-five (75) days after the entry of the initial decision and order if no party has appealed.

ENTERED this 18th day of August, 2006.



PETE LOESCH
ADMINISTRATIVE JUDGE
TENNESSEE DEPARTMENT OF STATE
ADMINISTRATIVE PROCEDURES DIVISION

cc: Leonard C. Osborne
Tameaka Stanton-Riley, Appeals Manager, Shelby County Assessor's Office

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